

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed December 2, 2009 in the above-identified application.

Claims 1-9 are the claims currently pending in the present application.

Claims 1, 3, 5 and 8 are amended to clarify features recited thereby. These amendments are fully supported by Applicant's disclosure.

Objection to Claims 8 and 9

Claims 8 and 9 are objected to on the ground that in claim 8 the term "said signal" should be changed to "said first or second signal." Claim 8 is amended.

Rejection of Claims 1-7 under 35 U.S.C. § 101

Claims 1-7 are rejected under 35 U.S.C. § 101 on the ground that the claimed invention is directed to non-statutory subject matter. Reconsideration of this rejection is respectfully requested.

The Office Action asserts that the gateway discussed in claims 1 and 5 "does not comprise any functional hardware (e.g. processor/CPU), and the sections are not required to be hardware. The claimed invention of a gateway may be considered as software, and software does not meet one of the four categories of invention and is not statutory."

First, the gateway may comprise modules that are configured to convert signals, to detect a conversion-process information, to transmit such conversion-process information and the like, and one or more of such modules may be implemented as hardware, firmware, a chip embodying logic, or the like. While claims 1 and 5 do not specifically recite a gateway embodied as one or more such modules there is no requirement that they do so.

Regarding the allegation in the Office Action that "software does not meet one of the four categories of invention and is not statutory," it is respectfully submitted that such an allegation is inconsistent with legally binding precedent of the U.S. Court of Appeals for the Federal Circuit and the Supreme Court of the last two decades. Software that has a concrete, real world effect has been held to constitute patentable subject matter under 35 U.S.C. § 101.

Rejection of Claims 1, 2, 5, 6, 8 and 9 under 35 U.S.C. § 103

Claims 1, 2, 5, 6, 8 and 9 are rejected under 35 U.S.C. § 103 as being obvious from Tinsley, U.S. Patent No. 6,967,956 in view of Kimura et al., U.S. Patent Application Publication No. 2002/0143975 and Kalavade et al., U.S. Patent Application Publication No. 2003/0051041.

Without intending to limit the scope of the claims, according to an aspect of Applicant's invention as claimed in claims 1, 5 and 8, conversion-process information, such as a time that the conversion section spent to convert the first signal or the second signal, is sent to a fee-charging system located in a communication network for which such information is meaningful for calculating a fee for a customer. Thus, the fee-charging system which receives a conversion-process information is located in the first network or in the second network. Further, a gateway connecting the first network and the second network need not be burdened with housing the fee-charging system.

Claims 1, 5 and 8 require detecting as conversion-process information a time the conversion section spent to convert the first signal or the second signal, and transmitting the conversion-process information to a fee-charging system of the first network or to a fee-charging system of the second network.

Tinsley discloses a network element that facilitates routing and accounting of messages between network elements that do not share a common signaling application protocol or a common transport protocol suite (Tinsley, Abstract). The Office Action acknowledges (Office Action, page 4) that Tinsley does not disclose detecting as conversion-process information a time said conversion section spent to convert the first signal or the second signal, but alleges that Kimura discloses tracking a time spent on converting data to charge a fee, citing Kimura, paragraphs 116 and 121.

Kimura discloses a distribution system that transmits and receives media information via a server and relays multi-media communication data between a transmission terminal and the receiving terminal (Kimura, Abstract). Kimura discloses charging a fee for converting the first media information such as high-resolution moving pictures to a second media information such as low-resolution pictures. Kimura is concerned with calculating a conversion fee based on time spent on converting a first media information of a first terminal to a second media information of a second terminal. Kimura discloses counting the number of seconds a scaling unit, such as a distribution server, functions and calculating a fee in accordance with the number of seconds thus counted (Kimura, page 10, paragraph 121).

Kimura does not disclose or suggest transmitting as conversion-process information a time said conversion section spent to convert the first signal or the second signal to a fee-charging system of the first network or to a fee-charging system of the second network, as required by claims 1, 5 and 8. More generally, Kimura is silent as to a fee-charging system in a first network or a fee-charging system in a second network, as required by claim 1.

Kalavade discloses a converged network including a wide area network (WAN) and local area network (LAN) connected via a gateway to the WAN, such that the gateway integrates billing an authenticating function of the WAN and the LAN (Kalavade, Abstract). Kalavade discloses that the gateway collects information on LAN usage and converts the information to a format usable by a billing system of the LAN (Kalavade, paragraphs 12 and 15, and claim 1).

Kalavade does not disclose or suggest transmitting a time set conversion section spent to convert the first signal or the second signal to a fee charging system of the first network or to a fee charging system of the second network as required by claims 1, 5 and 8. As discussed, Kalavade discloses that the gateway integrates such billing functions. Accordingly, even taken together in combination, Tinsley, Kimura and Kalavade do not disclose or suggest the recitations of claims 1, 5 and 8.

Moreover, it is respectfully submitted that it would not have been obvious to combine the teachings of Kimura with the gateway of Tinsley as proposed in the Office Action. Kimura is directed to a fee-charging system in which a server calculates a conversion fee based on the time spent on converting the first media information of a first terminal to a second media information of a second terminal. It is unclear as to whether the first terminal and the second terminal of Kimura might correspond to Tinsley's first network and second network. That is, it is unclear how Kimura's first and second media terminals would be integrated into the first and second networks of Tinsley without resort to impermissible hindsight reconstruction based on Applicant's own disclosure. Accordingly, Applicant's invention as claimed in claims 1, 5 and 8 would not have been obvious based on the cited art.

Claim 2 depends from claim 1, claim 6 depends from claim 5, and claim 9 depends from claim 8. Therefore, claims 2, 6 and 9 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims.

Rejection of Claims 3, 4 and 7 under 35 U.S.C. § 103

Claims 3 and 7 are rejected under 35 U.S.C. § 103 as being obvious from Tinsley, Kimura and Kalavade in view of Jabri, U.S. Patent Application Publication No. 2003/0028643.

Claim 4 is rejected under 35 U.S.C. § 103 as being obvious from Tinsley, Kimura and Kalavade in view of Kauhanen, WO 02/052825.

Reconsideration of these rejections is respectfully requested.

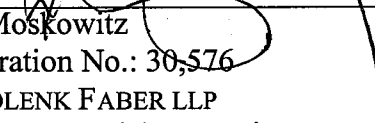
Jabri and Kauhanen do not cure the above-discussed deficiencies of Tinsley, Kimura and Kalavade as they relate to the above-referenced features of claims 1 and 5. Further, the Office Action does not allege that Jabri or Kauhanen discloses or suggest such features. Accordingly, even taken together in combination, the cited references do not disclose or suggest the recitations of claims 1 and 5.

Claims 3 and 4 depend from claim 1, and claim 7 depends from claim 5. Accordingly, claims 3, 4 and 7 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims.

In view of the foregoing discussion, withdrawal of the objection and rejections and allowance of the claims of the present application are respectfully requested.

Respectfully submitted,

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Max Moskowitz
Registration No.: 30,576
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

MM:GB/jl